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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,912	10/10/2003	Christina Corral	CO55-001	3068

7590 02/16/2005

Haight, Brown & Bonesteel, LLP
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EXAMINER

MAYO, TARA L

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/683,912

Applicant(s)

CORRAL, CHRISTINA

Examiner

Tara L. Mayo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>101003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it includes language which can be implied and legal phraseology, and exceeds the 150-word limit. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 4 and 19 are objected to because of the following informalities: recitation of a trademark. In both claims 4 and 19, delete the word "Velcro" and insert --hook and loop fastener-- therefor or substitute another generic term. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 6, 7, 9, 12, 13, 15, 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan (U.S. Patent No. 5,966,757 A).

Sullivan '757, as seen in Figures 1 and 4, shows a blanket (10) comprising:
with regard to claim 1,

an underside (14);

a lying pad (12) at least partially connected to said underside;

a storage compartment (the space between elements 12 and 14) disposed between said underside and said lying pad; and

a strap (38A) mounted to said underside;

with regard to claim 4,

wherein said underside and said lying pad are connected by pile-type fastener (20);

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with regard to claim 6,

further comprising a pocket positioned on said underside;

with regard to claim 7,

wherein said lying pad is rectangular;

with regard to claim 9,

a lying pad (12); and

a storage compartment (the space between elements 12 and 14) positioned adjacent to said lying pad, said storage compartment having an underside and a top side;

with regard to claim 15,

further comprising a strap (38A) mounted to said underside;

with regard to claim 16,

further comprising a set of handles (38A, 38B) disposed thereon; and

with regard to claim 19,

wherein said underside and said top side are connected by pile-type fastener (20).

Sullivan '757, as seen in Figure 5, shows a blanket (10) comprising:

with regard to claim 9,

a lying pad (12); and

a storage compartment (the space between elements 12 and 14) positioned adjacent to said lying pad, said storage compartment having an underside and a top side; and

with regard to claim 12,

further comprising a pillow holder (30) mounted to said lying pad; and

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with regard to claim 13,

further comprising a blow-up pillow (42) disposed within said pillow holder.

With regard to claim 20, the method steps recited therein are inherent to the use of the device shown by Sullivan '757.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, 5, 10, 11, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (U.S. Patent No. 5,966,757 A).

With regard to claims 2 and 10, Sullivan '757 discloses all of the features of the claimed invention with the exception of the lying pad being made of transparent material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Sullivan '757 such that the lying pad would be made of a transparent material. The motivation would have been to permit a user to view the contents of the storage compartment.

With regard to claims 3 and 11, Sullivan '757 discloses all of the features of the claimed invention with the exception of the lying pad being made of mesh material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Sullivan '757 such that the lying pad would be made of a mesh material. The motivation would have been to provide a means for aerating the storage compartment.

With regard to claims 5 and 14, Sullivan '757 discloses all of the features of the claimed invention with the exception of a pocket positioned on the lying pad/storage compartment. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Sullivan '757 such that the lying pad would comprise a pocket. The motivation would have been to provide the user with a means for storing articles.

With regard to claim 17, it has been held that the configuration of a device is a matter of choice which a person of ordinary skill in the art would find obvious absent persuasive evidence that the particular configuration of the claimed device is significant. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

With regard to claim 18, Sullivan '757 is silent with regard to the manner of attachment of the handles to the blanket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Sullivan '757 such that it would include an opening on the storage compartment for allowing insertion of the handles. The motivation would have been to provide for attachment of the handles.

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8. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (U.S. Patent No. 5,966,757 A) in view of Perez-Mesa et al. (U.S. Patent No. 6,105,188 A).

Sullivan '757 teaches all of the features of the claimed invention with the exception(s) of:

with regard to claim 8,

a carry bag; and

with regard to claim 12,

a pillow holder mounted to the lying pad.

Perez-Mesa et al. '188, as seen in Figures 1 and 2, show a carrying pouch (26) and sleeping system, wherein the carrying pouch is adapted to receive cover and base blankets (20 and 14, respectively) of the sleeping system in their folded positions, and wherein the pouch receives a pillow in the sleeping orientation and the folded blankets in the conveying orientation (col. 5, lines 1 through 4).

With regard to claim 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Sullivan '757 such that it would include a carrying pouch as taught to be desirable by Perez-Mesa et al. '188. The motivation would have been to provide a means for storing and carrying the blanket.

With regard to claim 12, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Sullivan '757 such that it

would include a pillow holder as taught to be desirable by Perez-Mesa et al. '188. The motivation would have been to provide means for holding a pillow to enhance a user's comfort.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Mayo whose telephone number is 703-305-3019. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to be 'JL' or similar, with the letters 'tlm' written below it.

10 February 2005

A large, stylized handwritten signature in black ink, likely belonging to Thomas D. Will.

Thomas D. Will
Supervisory Patent Examiner
Group 2212